



## CONDOMINIUM CONVERSION *APPLICANT'S GUIDE*

**NOTE TO THE PUBLIC:** Please read this Applicant's Guide before you bring in your application for filing. If your application is not complete, it may not be accepted for processing.

A condominium conversion is the conversion of existing residential and nonresidential developments to condominiums. "Existing development" is development which has received final building inspection (ready for occupancy) from the Department of Planning and Land Use (DPLU). Development under construction which has not received final inspection is **not** a condominium conversion and must be processed as a **condominium**. A condominium conversion of a development with five or more units would be processed as a **major** subdivision while a development with four or fewer units would be processed as a **minor** subdivision.

### REGULATIONS AND POLICIES

Condominium conversions are governed by the following regulations.

State of California Subdivision Map Act, Chapter 2, Article 1, Sections 66427.1 and 66427.2, and Chapter 3, Article 2, Sections 66452.8 and 66452.9.

San Diego Code of Regulatory Ordinances Title 8, Division 1 (Subdivision Ordinances), Sections 81.110, 81.1104(F), and 81.161.1.

### BACKGROUND

Ordinance No. 5333 (effective 2/1/79) added Section 81.110 to the Code of Regulatory Ordinances, applicable to the conversion of an existing residential development to a condominium. The standards for conversion have been imposed to give the buyer of a condominium assurance of acquiring a dwelling unit in conformance to the current Zoning Ordinance and regulations, standards and codes for new building construction.

Ordinance 6575 (effective 6/6/83) added Section 81.616.1 to the Code, and allows for an application of a waiver of Tentative and Subdivision Maps for condominium projects (including condominium conversions) on a single parcel provided that the Director of DPLU finds that the proposed project meets the requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitation and water availability, environmental protection, and other requirements of the County Code and the State Subdivision Map Act. An application for waiver shall contain sufficient information to enable the Director to make his findings. The fee for the application waiver shall be that prescribed for Tentative Maps. Ordinance 6575 also provides that in any case where waiver of the Tentative and Final Map is granted the Director shall record a Certificate of Compliance.

Major subdivisions wherein dedications or improvements would be required as a condition of approval are deemed not to comply with the findings required by Section 81.616.1 for waiver of the Tentative and Final Map.

\* For information regarding the processing of subdivisions, see DPLU forms #372 (Major Subdivisions) and #249 (Minor Subdivisions).

## **PREPARATION OF APPLICATION AND PROCESSING**

The applicant must provide the same application package as for major/minor subdivisions. However, the plot plan (map) may be drawn to Major Use Permit standards\* Applications are processed in a manner similar to the processing of applications for Tentative Maps or Tentative Parcel Maps, including review and recommendation from affected public agencies.

Provided the Director of DPLU recommends waiver of the Tentative and Final Maps, the application will be placed on the Planning Environmental Review Board (PERB) informational agenda for review and approval.

There are several differences in processing which are unique to condominium conversions and which are described below:

### **A. Notification**

Besides the usual Public Notice Package (see DPLU form #515), condominium conversions require supplemental notification.

1. Notification prior to submittal (applies to residential major subdivisions only).

The California Subdivision Map Act (Chapter 2, Article 1, Section 66427.1) requires that all tenants be notified at least 60 days prior to the filing of the application. The notice must be worded exactly as set forth in Chapter 3, Article 3, Section 66452.9 of the Map Act. Tenants applying for rental of a unit after the 60 day notice must also receive notice (Section 66452.8).

2. Submittal

- a. Signed affidavit stating that the 60 day prior notification has been accomplished, with a sample of the notice attached. This notice may be deemed satisfied is served on the tenants by mail (major subdivisions only).
- b. A list of the tenants living in the development at the time of application (major and minor subdivisions).
- c. One set of stamped and addressed envelopes for each apartment unit. The DPLU will supply the return address (major and minor subdivisions).

### **B. Environmental Impact**

Applications for both major and minor condominium conversions are categorically exempt from the environmental review process pursuant to Section 15301, Class 1(K) of the California Environmental Quality Act (CEQA).

### **C. General Plan Conformance**

Condominium conversions are not subject to findings of conformance to the General Plan, pursuant to Section 66427.2 of the Map Act.

### **D. Content of the Plot Plan**

A condominium conversion plan should show the following:

1. All existing and proposed structures.

2. Recreational facilities such as swimming pools and accessory structures.
3. Circulation including parking spaces, driveways and walkways.
4. Trash areas.
5. A note showing a tabulation of the number of dwelling units by the number of bedrooms (e.g., 24 two-bedroom units). This tabulation is necessary to determine parking requirements which are based upon the number of bedrooms. See Zoning Ordinance Sections 6750 through 6799, Parking Regulations, for further information.

Based upon previous staff experience in processing condominium conversions, it is recommended that the plan be prepared using information based upon an on-site survey. Original building plans may not accurately depict the existing location of structures and parking. Be sure that dimensions of structures and setbacks are accurate and truly show existing conditions.

#### **E. Conditions**

The following conditions will be added to the Certificate of Compliance or Resolution of Approval as applicable:

1. Section 81.110.b. of the Subdivision Ordinance specifies that all residential and non-residential condominium conversions, except residential mobilehomes developments, shall be conditioned to require:
  - a. Conformance with current Zoning Ordinance requirements for new development except for density (Section 81.110.b.1. Conformance to The Zoning Ordinance also includes parking requirements. Guest parking requirements are applicable to attached multi-dwelling development (three units or more).
  - b. Conformance to the Uniform Building Code. This includes the 1978 State Energy Conservation Standards. See Section 81.110.b.2. for more details.
  - c. Individual gas and/or electric metering for each unit.
  - d. Trash enclosures to screen trash storage areas (solid masonry wall or solid wood fence a minimum of five feet high).